

**20:39:02:04. Practices prohibited in barber shops and barber schools.** A barber, apprentice, or barber school student may not engage in any of the following prescribed practices:

(1) Allowing the use of the head rest of any barber chair under the control of the barber, apprentice, or barber school student unless the head rest is covered by a towel that has been washed since its last use or by a clean, new paper;

(2) Knowingly servicing a person afflicted with erysipelas, eczema, impetigo, sycosis, tuberculosis, or any other contagious or infectious disease;

(3) Allowing the use or possession on the work premises of styptic pencils, lump alum, or powder puffs.

**Source:** SL 1975, ch 16, § 1; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

**General Authority:** SDCL 36-14-9.

**Law Implemented:** SDCL 36-14-9.

**20:39:03:01. General requirements for approval of state barber schools.** Each barber school shall meet the following prescribed requirements before the school receives board accreditation:

- (1) One instructor is required for each 12 students or fraction thereof;
- (2) No school may enroll more than one student per barber chair in the school;
- (3) At least one instructor shall be in attendance at the school at all times during school hours; and
- (4) All instructors employed at the school shall have a state barber license, a high school diploma, ~~two years of college~~, and a minimum of three years of practical experience in the trade of barbering. Upon application to the board, any person complying with these requirements may take the board's ~~teacher~~ instructor examination. Upon passing the examination, the person shall receive an instructor diploma issued by the board. ~~Teacher~~ Instructor examinations shall be administered at the same time, location, and frequency as board ~~apprentice~~ barber examinations.

**Source:** SL 1975, ch 16, § 1; 6 SDR 106, effective May 12, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

**General Authority:** SDCL 36-14-9.

**Law Implemented:** SDCL ~~36-14-15~~ 36-14-17.

**20:39:03:02. Equipment requirements.** Each barber school shall possess the following equipment:

- (1) A blackboard in the lecture room;
- (2) A set of enlarged anatomic charts showing nerves, muscles, blood vessels, bones of the head and neck, structure of the hair, and skin structure;
- (3) A library of reference books on anatomy, physiology, and diseases of the skin; and
- (4) A medical dictionary.

**Source:** SL 1975, ch 16, § 1; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

**General Authority:** SDCL 36-14-9.

**Law Implemented:** SDCL ~~36-14-15~~ 36-14-17.

**20:39:03:03. Accreditation.** Each barber school desiring to obtain board accreditation for the first time shall apply to the board on forms requested from the secretary-treasurer. Two inspections shall be made of each school applying for accreditation. The first inspection shall inspect the physical location of the school. The second inspection shall inspect the condition of the school plant, walls, ceilings, floors, required classrooms, cloakrooms, school office, lighting, plumbing, equipment, fixtures, and records, and the qualifications of instructors.

**Source:** SL 1975, ch 16, § 1; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

**General Authority:** SDCL 36-14-9.

**Law Implemented:** SDCL ~~36-14-15~~ 36-14-17.

**20:39:03:04. Length and annual renewal of accreditation.** Each barber school shall be accredited for a period of one year. Each school desiring renewal of its accreditation shall apply to the board before July 1. The application shall state that the school has complied with SDCL 36-14 and this article during the previous year. A member of the board or an authorized board employee shall inspect the school prior to board action on the application for renewal. If the board denies or fails to act on any application for renewal, the school may, within 60 days after application or denial, whichever is later, demand a board hearing pursuant to SDCL 1-26.

**Source:** SL 1975, ch 16, § 1; 6 SDR 106, effective May 12, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

**General Authority:** SDCL 36-14-9.

**Law Implemented:** SDCL ~~36-14-15~~ 36-14-17.

**20:39:03:05. Curriculum and materials requirements for accredited state barber schools.** Each accredited state barber school shall do the following:

(1) Submit its curriculum at least once annually for review by the board of barber examiners;

(2) ~~Not teach from question books, question and answer books, or combinations of them;~~

~~(3)~~ Supply each student with a textbook of barbering which has received prior approval of the board. Board approval shall be given upon satisfaction by the board that the textbook sought to be approved deals with each subject area prescribed by SDCL 36-14-17; and

~~(4)~~ (3) Supply each student with a tool kit containing one razor, one thinning shears, two haircutting shears, ~~one combination razor strap, one hone,~~ one changeable blade razor, one box of blades, four haircutting combs, one electric clipper, one box of styptic powder, one carrying case for these instruments, and one approved textbook;

~~(5) Subject all prospective students to screening examinations prior to enrollment to determine that each student has sufficient intelligence and physical aptitude to learn the art of barbering.~~

**Source:** SL 1975, ch 16, § 1; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

**General Authority:** SDCL 36-14-9.

**Law Implemented:** SDCL ~~36-14-15,~~ 36-14-17.

**20:39:03:06. Allocation of hours in school day.** The school shall allocate ~~six~~ seven hours of the students' school day to practical work and ~~two hours~~ one hour to lectures and demonstrations.

**Source:** SL 1975, ch 16, § 1; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

**General Authority:** SDCL 36-14-9.

**Law Implemented:** SDCL ~~36-14-15~~, 36-14-17.

## **CHAPTER 20:39:04**

### **EXAMINATIONS**

#### Section

- 20:39:04:01     Number and location of examinations.
- 20:39:04:02     Location of examinations -- Notice.
- 20:39:04:03     Passing scores for barber and ~~apprentice barber~~ instructor examinations.



**20:39:04:01. Number and location of examinations.** The board shall administer examinations for barber, ~~apprentice~~, and instructor certificates ~~at least four times annually~~ at a location designated by the board.

**Source:** SL 1975, ch 16, § 1; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

**General Authority:** SDCL 36-14-9.

**Law Implemented:** SDCL ~~36-14-15~~, 36-14-13, 36-14-19.

**20:39:04:02. Location of examinations -- Notice.** The board shall, by notice posted one month in advance of each examination in the office of ~~department of commerce and regulation~~ Department of Labor and Regulation, prescribe the location and date of each barber examination.

**Source:** SL 1975, ch 16, § 1; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

**General Authority:** SDCL 36-14-9.

**Law Implemented:** SDCL ~~36-14-15~~, 36-14-13, 36-14-19.

**20:39:04:03. Passing scores for barber ~~and apprentice barber~~ examinations.** Each applicant for ~~registered apprentice barber and~~ registered barber and instructor shall pass a practical and written examination with a minimum score on each examination of 75 percent.

**Source:** 6 SDR 106, effective May 12, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

**General Authority:** SDCL 36-14-9.

**Law Implemented:** SDCL 36-14-13, ~~36-14-15~~ 36-14-17.

## **CHAPTER 20:39:05**

### **FEES REQUIRED**

#### Section

20:39:05:01      Renewal fee for barber certificate of registration.

20:39:05:02      ~~Renewal fee for apprentice barber certificate of registration~~ Repealed.

20:39:05:03      Fee to operate a barber school.

20:39:05:04      Fee to operate a barber shop.

**20:39:05:02. Renewal fee for apprentice barber certificate of registration.** ~~For the annual renewal of an apprentice certificate of registration to practice barbering the fee is \$25. For the restoration of an expired apprentice certificate the fee is \$15, plus \$12 for each expired year, plus the annual license fee~~ Repealed.

**Source:** 6 SDR 106, effective May 12, 1980; 12 SDR 159, effective April 10, 1986; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 21 SDR 214, effective June 20, 1995; 33 SDR 212, adopted May 15, 2007, effective July 1, 2007.

**General Authority:** ~~SDCL 36-14-9, 36-14-24.~~

**Law Implemented:** ~~SDCL 36-14-22, 36-14-24.~~